

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**COUNCIL CHAMBERS**  
**WILLMAR MUNICIPAL UTILITIES BUILDING**  
**WILLMAR, MINNESOTA**

April 21, 2003  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBleck, Denis Anderson, Nancy Houlahan, Jim Dokken, and David Chapin; Present 8, Absent 1- Rick Fagerlie was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Proposed additions to the agenda included an agricultural exempt resolution, annexation/detachment ordinances, and various announcements.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 7, Rice Hospital Board Minutes of April 8, Municipal Utilities Commission Minutes of April 14, Planning Commission Minutes of April 9, Pioneerland Library Board Minutes of February 20, and Housing and Redevelopment Authority Board Minutes of March 11; and Gambling Exempt Permit for Bethesda Homes Foundation. Council Member Christianson seconded the motion, which carried.

At 7:03 p.m. Mayor Heitke opened a hearing on an Ordinance Extending the Corporate Limits of the City of Willmar. Planning and Development Services Director Peterson informed the Mayor and Council that Virgil Schwanke has filed a petition for the annexation of 36.25 acres of land west of South First Street. It was noted the property is the proposed site of the Menard's store. There being no one present to speak for or against the proposed Ordinance, and Mayor Heitke closed the hearing at 7:04 p.m.

Following discussion, Council Member Reese offered a motion to adopt, assign a number and order final publication of the Ordinance Extending the Corporate Limits of the City of Willmar. Council Member DeBleck seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

At 7:07 p.m. Mayor Heitke opened a hearing on an Ordinance Adopting the Minnesota State Building Code (UBC). Planning and Development Services Director Peterson informed the Mayor and Council that the State has adopted the Code and the City has 30 days from April 1, 2003, to adopt it as well. Along with the new Code, the City is required to adopt a fee schedule. Staff was recommending the adoption of the 1994 UBC fee schedule, a fee structure that would cover the 11 percent deficit between permit fees collected and building inspection expenses. It was noted that the Community Development Committee considered the matter and recommended the adoption of the Ordinance with the 1988 fee schedule. Chad Kompelien spoke in favor of the 1988 fee schedule acknowledging that the 11 percent deficit was caused by the forgiveness of \$63,431.50 in fees for the Rice Memorial Hospital addition. Upon hearing all those who wished to speak for or against the proposed Ordinance, and Mayor Heitke closed the hearing at 7:12 p.m.

Following discussion, Council Member DeBleck offered a motion to adopt, assign a number

and order final publication of the Ordinance Adopting the Minnesota State Building Code including the 1988 fee schedule. Council Member Dokken seconded the motion, which failed on a roll call vote of Ayes 2, Noes 4 – Council Member Reese, Houlahan, Anderson and DeBlieck voted “No,” and Council Member Christianson abstained from voting.

Council Member DeBlieck moved to adopt, assign a number and order final publication of the Ordinance Adopting the Minnesota State Building Code using the 1994 fee schedule. Council Member Houlahan seconded the motion which carried on a roll call vote of Ayes 5, Noes 1 – Council Member Dokken voted “No,” and Council Member Christianson abstained from voting.

Mayor Heitke recognized David Turch and Jamie Jones, of Turch and Associates, recently contracted consultants for monitoring Federal programs in Washington, D.C. Mr. Turch expressed appreciation for the confidence placed in the firm. Mr. Turch promised to work with Representative Colin Peterson and other elected officials to achieve positive outcomes for the City of Willmar.

Mayor Heitke recognized Eric Wieberg, representing the local Rotary Foundation, who presented five visitors from Norway. Mr. Wieberg noted the Oslo, Norway Rotary District sponsored the study group, who will spend one month traveling throughout West Central Minnesota. Mayor Heitke welcomed them to Willmar.

Mayor Heitke recognized David Baker who presented findings of the Race Track Task Force. Mr. Baker reviewed issues studied and presented the Task Force recommendations as follows:

Short Term: 1) Kandi Racing Association (KRA) agrees to stop all racing by 10:00 p.m. on school nights; 2) Fair Board to publish newsletter early in year to share with residents racing schedule; 3) Annual meeting with Fair Board and north-side residents; 4) KRA, along with City and Chamber, correspond with WISSOTA requesting lower decibel limits for all racetracks they sanction; 5) KRA will hold appreciation night for north-side residents as well as a free hog roast and attendance to a race night and public recognition; 6) KRA will build new gate for west-side of fairgrounds to eliminate/reduce traffic; 7) establish a small group of current Task Force members to monitor ongoing issues and agreements to insure a source of neutral communication between all groups; and 8) a sound study be conducted in future to determine feasibility of a sound barrier.

Long Term: Consider relocating the Fairgrounds and racing to a new location, which would require a new group to assemble to discuss locations, future users who could contribute to cost-sharing, parking relief, building and land management, etc.

Following discussion, Council Member DeBlieck moved to refer the Race Tract Task Force report and recommendations to the Community Development Committee for consideration. Council Member Dokken seconded the motion, which carried.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

Mayor Heitke called for a recess at 8:30 p.m. and reconvened the meeting at 8:40 p.m.

The Finance Committee Report for April 14, 2003, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 The Committee discussed information regarding proposed 2003 Budget adjustments due to the possible cuts in LGA. The estimates of cuts for the City of Willmar for 2003

are approximately \$600,000. While the Legislature is still debating and formulating their own proposals, Staff had been directed to develop some recommendations for the Council to consider.

Discussed for 2003 was a combination of increased revenues and reduced spending. The increased revenues total \$283,181 and consist of additional revenue from Rice Memorial Hospital, administrative transfer from the 2003 improvement program, and additional building permit revenue. The reduction or delay of spending totaled \$ 317,131 and involved not filling the position at the Civic Center and the delay of a number of capital outlay purchases.

The Committee was recommending to the Council to amend the 2003 budget as proposed and to revisit the items adjusted once final legislation and cuts are known. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the General Fund:

Increase:	Estimated Revenues	
	Transfer In – Rice Memorial Hospital	\$ 46,000.00
	Transfer In – 2003 Improvement Project	200,000.00
	Building Permits	37,181.00
Decrease:	Appropriations	
	Civic Center Personnel Services	\$ 41,134.00
	Transfer Out – Capital Outlay	275,997.00

Dated this 21<sup>st</sup> day of April, 2003.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 The Committee reviewed a proposed agreement between the City and Independent School #347 to convey approximately 7.52 acres of land owned by the School to the City for the future site of an outdoor swimming pool. Conditions of the conveyance are that the City would be required to pay all public improvement costs of street extensions, sidewalks, water mains, storm sewers and sanitary sewers; and would rescind a portion of a previous 1992 land agreement regarding the conveyance of the Garfield School site if not used for school purposes.

Following discussion, the recommendation of the Committee was to introduce a resolution authorizing the City Administrator and Mayor to sign the agreement as presented. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an agreement with Independent School District #347 to purchase 7.52 acres of land for an outdoor swimming pool.

Dated this 21<sup>st</sup> day of April, 2003.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee reviewed a proposed ordinance adjusting the utility rates for water and sewer to implement a charge for infrastructure replacement. Following discussion, it was the consensus of the group to invite the Municipal Utility General Manager to the next Finance Committee meeting to discuss implementation procedures. This matter was for information only.

The Finance Committee Report for April 14, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Chapin, and carried.

The Public Works/Safety Committee Report for April 15, 2003, was presented to the Mayor and Council by Council Member Reese. There were seven items for Council consideration.

Item No. 1 Staff presented to the Committee an overview of the history of the Wastewater Treatment Plant from the facility plan to today which included issues such as the NPDES permit, phosphorous and odor control, rate study, facility plan costs and discussions with major industrial users. Staff then reviewed the scenarios being evaluated for options for the new plant. The options studied include a single plant versus a dual plant, site location consideration such as the Industrial Park or the sludge storage facility, or relocate totally to the sludge storage site.

The Committee generally discussed the options and relationships to odor control, impacts on industrial users such as Jennie-O, and allocations of costs. The Committee felt that no alternative should be eliminated until odor control strategies have been implemented and assessed. This matter was for information only.

Item No. 2 The Committee discussed the upcoming Assessment Hearing scheduled for May 5, 2003, and noted this year's assessment rate is based on a four-year average for street construction. The Committee was recommending the Council declare costs to be assessed and order preparation of assessment roll.

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member DeBleck, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

### RESOLUTION NO. 3

DECLARING COST TO BE ASSESSED AND  
ORDERING PREPARATION OF ASSESSMENT ROLL  
IN CONNECTION WITH 2003 STREET AND OTHER IMPROVEMENTS  
(PROJECT NOS. 0301, 0302 AND 15<sup>TH</sup> AVENUE NW)

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2003 in the City, to-wit: City Project Nos. 0301, 0302 and 15<sup>th</sup> Avenue NW; and

WHEREAS, the total cost of said street and other improvements of 2003 is \$2,905,000.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. The City Council hereby determines that the City shall pay \$2,304,367.95 of said cost,

exclusive of the amount it may pay as a property owner, and the sum of \$600,632.05 shall be assessed against benefited property owners based upon benefits received without regard to cash valuation.

2. The Clerk-Treasurer, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land without regard to cash valuation as provided by law, and he shall file a copy of such assessment in his office for public inspection.

3. The Clerk-Treasurer shall, upon the completion of such assessment, notify the City Council thereof.

Dated this 21<sup>st</sup> day of April, 2003.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee discussed with Staff the 24<sup>th</sup> Avenue Southeast Lift Station (Project No. 0302). Staff presented site location information for the new lift station, which is required to satisfy the development of the Mills and Home Depot sites, along with future development in that area. The project replaces the McMillians lift station. Three sites were evaluated including property owned by Duinick Bros. Inc (DBI), placement in the First Street Corridor, and Mills' property. Through the course of the study it became apparent an easement would be required and staff met with both Mills and DBI. It appeared the site on the DBI property would better serve the needs for present and future development in the southeast Willmar.

During easement negotiations, Staff recognized certain costs associated with the present infrastructure Duinick Bros. Inc. recently installed including storm and sanitary sewer and the dedication of more than the normal 70-foot right-of-way. The value of these improvements was determined by Staff and DBI to be \$125,000 and recommended to be paid over five years.

The Committee was recommending to the Council approval of a Memorandum of Understanding and authorize staff to prepare a formal agreement. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Christianson seconding the motion, which carried.

The Committee reviewed plans and specifications for the proposed lift station on the 24<sup>th</sup> Avenue corridor (Project No. 0302) at the Duinick Bros. Inc. site and was recommending to the Council approval of the plans and specifications and authorize advertisement of bids. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 4

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project No. 0302 – Lift Station on the 24<sup>th</sup> Avenue Corridor for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 27th day of May, 2003, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 21<sup>st</sup> day of April, 2003.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee was informed by Staff that Project No. 0105 - First Street signal improvements have been completed and a change order was submitting by Design Electrical Contractors. The additional costs were necessary for internal signal cabinet wiring for the EVP system, evaluation, testing and resplicing of existing loops.

The Committee was recommending to the Council approval of Change Order No. 1 in the amount of \$1,750.00 to be paid out of the 2001 Projects Budget. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 5

WHEREAS, a contract has been awarded to Design Electrical Contractors, Inc. of St. Cloud, Minnesota, on July 10, 2002 in the amount of \$219,670.00 for Project No. 0105 (First Street Signal Improvements); and

WHEREAS, it is desired to add additional work to the above contract for internal signal cabinet wiring, evaluation, testing and resplicing of existing loops.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. Additional work is herewith authorized to be added to the above contract in the amount of \$1,750.00 and identified as Change Order No. 1.
2. Funding for the additional work is from the Project Budget.

Dated this 21<sup>st</sup> day of April, 2003.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee briefly discussed public safety issues regarding Fire Department training and disaster drill issues. This matter was for information only.

Item No. 6 The Committee reviewed the bids received for Project 0308 - Seal Coat Improvements, and was recommending the Council award the contract to Morris Seal Coat and authorize the Mayor and City Administrator to sign on behalf of the City.

Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Morris Sealcoat and Trucking, Inc. of Morris, Minnesota for City Project No. 0308 – 2003 Seal Coat Improvements is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$34,638.30.

Dated this 21<sup>st</sup> day of April, 2003.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 7 The Committee discussed the Wastewater Treatment Plant biofilter project, and staff requested to retain the services of Kaeding & Associates, Inc., an electrical engineering consultant. Specific services will include a letter-report evaluation of the overall electrical capacity and generator capacity at the WWTP to support the current phase and subsequent phases of the biofilter. Also included are the services to prepare plans and specifications for the electrical design of the Phase I Biofilter System for a not to exceed figure of \$9,000 including expenses. Funding for the services is to be from the Wastewater Treatment Operating Budget.

The Committee was recommending to the Council approval of the agreement and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

#### RESOLUTION NO. 7

Whereas the City of Willmar desires to retain a consultant to provide professional engineering services for an electrical evaluation and design of the Phase I Biofilter System at the Wastewater Treatment Plant for the City of Willmar; and

Whereas a proposal has been made and an agreement prepared to retain the firm of Kaeding & Associates, Inc. of Minneapolis, Minnesota in a not to exceed amount of \$9,000.00 for said services to be funded from the Wastewater Treatment Operating Budget;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 21<sup>st</sup> day of April, 2003.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report of April 15, 2003, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Labor Relations Committee Report was presented to the Mayor and Council by Council Member Houlahan. There was one item for Council consideration.

Item No. 1 The meeting was closed to discuss contract negotiations and strategies. At this time the Committee Members met with Mr. Frank Madden to review strategies for upcoming contract discussions with various bargaining units at Rice Hospital and with the City proper. This matter was for information only.

The Labor Relations Committee Report was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Houlahan, seconded by Council Member Anderson, and carried.

The Community Development Committee Report was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

Item No. 1 The Committee reviewed a proposed ordinance to adopt the new Minnesota State Building Code. Included in the Ordinance was a recommendation by Staff to adopt the 1994 Uniform Building Code fee schedule. It was noted that the City currently uses the 1988 fee schedule since the early 1990's. Following discussion, the Committee was recommending that the Council adopt the ordinance with the 1988 fee schedule attached as Addendum A. This matter was for information only as the matter was concluded in the scheduled public hearing earlier on the agenda.

Item No. 2 The Committee discussed the preferred design concept for the proposed Family Aquatic Center. Staff presented the recommendation of a facility discussion group relative to pool depth and features.

The Committee was recommending to the Council that the pool concept be approved with the following changes: A) the main pool have a 10 foot depth; B) two diving boards be installed for the main pool; C) a plunge slide be moved from the main pool to the plunge pool; and D) the zero depth play area be built so that it can have features added to it at a later date. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

Item No. 3 Staff provided the Committee an update on a variety of projects occurring in the community or in the planning stages. This matter was for information only.

Item No. 4 Chair DeBlieck suggested that a future agenda include discussion of the Willmar Regional Treatment Center issue. This matter was for information only.



The Community Development Committee Report for April 19, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a final plat for Sunrise Estates, a 14-lot re-plat intended for twin-home development. It was noted the Planning Commission has approved the plat. Council Member Reese moved to approve the final plat for Sunrise Estates with Council Member Christianson seconding the motion, which carried.

The Mayor and Council considered a Resolution establishing procedures relating to compliance with reimbursement bonds regulations. City Clerk Halliday explained the Resolution allows the City to reimburse itself for any project expenditures paid prior to the issuance of 2003 improvement bonds. It was noted the IRS requires cities to make such a declaration of intent. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

### RESOLUTION NO. 8

#### RESOLUTION ESTABLISHING PROCEDURES RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED, by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), as follows:

1. Recitals.

A. The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

B. The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

C. The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

D. The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The

Council hereby authorizes the City Clerk to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

A. Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A, which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

B. Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

C. Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn't reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

D. The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the City's use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Dated this 21<sup>st</sup> day of April, 2003.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

City Clerk Halliday presented to the Mayor and Council for consideration the following establishments requesting renewal of current liquor licenses: 3.2 Percent Malt Liquor – Center Point Mall Bar & Grill; On-sale Liquor – Blue Heron on the Green; and Wine – Center Point Mall Bar & Grill. Council Member Reese moved to approve the renewal of liquor licenses as presented with Council Member Houlahan seconding the motion, which carried.

City Clerk Halliday presented to the Mayor and Council for consideration a Resolution amending agricultural exemptions correcting the legal description of the Hawkinson property. Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 9

WHEREAS, the City Council of the City of Willmar, Minnesota, did adopt a resolution dated October 2, 2002, allowing a temporary exemption from assessments on certain lands currently used for agriculture purposes; and

WHEREAS, a certain parcel numbered as 95-913-0040 was recorded with an incorrect legal description; and

WHEREAS, the incorrect listing and legal description was recorded as:

Harvey Hawkinson	95-913-0040	
7340 26 <sup>th</sup> ST NE	Project 9202	\$12,095.00
Willmar	Project 9002	8,255.00
Section 13, Township 119, Range 35		
Southwest quarter of southwest quarter, except north 300 feet of south 345 feet of east 435.6 feet of west 468.8 feet of southwest quarter of southwest quarter, and except part out to road to Pheasant Run. (32 acres)		

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that the following special assessments be certified to the County and deferred until such property is developed or upon approval of the final plat, and that no interest be charged until such time:

Virgil Hawkinson Etal. (6)	95-913-0040	
% Virginia Hanson	Project 9202	\$12,095.00
708 24 <sup>th</sup> Avenue SW	Project 9002	8,255.00
Willmar, MN 56201		
Section 13, Township 119, Range 35		
Southwest quarter of southwest quarter excluding the southerly 685 feet of west 468.8 feet of southwest quarter of southwest quarter and excluding part for plat of Pheasant Run.		

Dated this 21<sup>st</sup> day of April, 2003.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Planning and Development Services Director Peterson informed the Mayor and Council that Mills has concluded a land exchange and one parcel requires an Ordinance annexing the new area into the City and another parcel requires an Ordinance to remove a previously annexed area from the records.

Council Member Reese offered a motion to introduce an Ordinance Extending the Corporate Limits of the City of Willmar and schedule a public hearing for May 5, 2003. Council Member DeBlieck seconded the motion, which carried.

Council Member Reese offered a motion to introduce an Ordinance Detaching Land from

the Corporate Limits of the City of Willmar and schedule a public hearing for May 5, 2003. Council Member DeBlieck seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, April 28; and Public Works/Safety, April 30, 2003.

Mayor Heitke announced that there will be a Volunteer Recognition at Calvary Lutheran Church on May 1, 2003.

City Attorney Ronning presented to the Mayor and Council the 2002 City Attorney Departmental annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Planning and Development Services Director Peterson presented to the Mayor and Council the 2002 Planning and Development Services Departmental annual report. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

There being no further business to come before the Council, the meeting adjourned at 10:04 p.m. upon motion by Council Member Reese, seconded by Council Member Houlahan, and carried.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL